

WYATT
36056-091602



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***SEPTEMBER 16, 2002
2:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

1. Call to Order--Roll Call. (All present)

The Invocation was delivered by The Reverend Pamela P. Crump, Pastoral Assistant for Christian Education, High Street Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, September 19, 2002, at 7:00 p.m., and Saturday, September 21, 2002, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE NOW PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGMENTS:

Proclamation declaring the week of September 15 – 21, 2002, as National Rehabilitation Awareness Week.

File #3

3. CONSENT AGENDA

(APPROVED 7-0)

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 Minutes of special meetings of City Council held on Friday, July 26, 2002 and Tuesday, July 30, 2002; the regular meeting of City Council held on Monday, August 5, 2002; and a meeting of the Roanoke City Council Personnel Committee on Thursday, August 8, 2002.

RECOMMENDED ACTION: Dispense with the reading thereof and approve as recorded.

- C-2 A communication from Mayor Ralph K. Smith requesting a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.

File #110-132

- C-3 Qualification of the following persons:

M. Rupert Cutler as a member of the Roanoke Valley-Alleghany Regional Commission, for a term ending June 30, 2005;

F. B. Webster Day as a Trustee of the Roanoke City School Board, to fill the unexpired term of Sherman P. Lea, resigned, ending June 30, 2003; and William H. Lindsey as a Trustee of the Roanoke City School Board, to fill the unexpired term of William E. Skeen, resigned, ending June 30, 2005;

Abbi Fitzpatrick as a member of the Youth Services Citizen Board, for a term ending May 31, 2005;

Christie L. Meredith and Beverly T. Fitzpatrick, Jr., as Commissioners of the Roanoke Redevelopment and Housing Authority, for terms ending August 31, 2006; and

Margaret C. Thompson as a member of the Human Services Committee, for a term ending June 30, 2003.

RECOMMENDED ACTION: Receive and file.
File #15-72-110-178-304-326-467

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS:

- a. A communication from Council Member William D. Bestpitch with regard to a new project sponsored by The Sorensen Institute for Political Leadership and the Virginia Ethics Forum promoting development of Codes of Conduct in Congressional races across the Commonwealth of Virginia.

Adopted Resolution No. 36056-091602. (7-0.)
File #40-132

- b. Request of the Virginia Museum of Transportation to address Council with regard to an update on the TransDominion Express. Katherine F. Strickland, Executive Director, Spokesperson.

Ms. Strickland requested that the City of Roanoke become a financial stakeholder in the TransDominion Express as a part of its economic development strategy.

The matter was referred to the City Manager for report to Council during fiscal year 2003-04 budget study.

File #60-229-316-450-533

- c. Request of the Roanoke Education Association to address Council with regard to under funding of public education by the Commonwealth of Virginia. Anita J. Price, President, Spokesperson.

A resolution adopted by the Virginia Education Association (VEA) establishing an educational funding crisis in the Commonwealth of Virginia as the VEA's first priority, was referred to the City Attorney for review and preparation of the proper measure for consideration by Council at its next regular meeting on Thursday, October 3, 2002, at 2:00 p.m.

File #60-467

6. REPORTS OF OFFICERS:

- a. CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

- 1. A communication with regard to expansion of the Rehabilitation District.

**Adopted Resolution No. 36057-091602. (7-0.)
File #51-165-200**

2. A communication recommending an amendment to the Code of the City of Roanoke (1979), as amended, to add a new section entitled, Technology Zone.

Adopted Ordinance No. 36058-091602. (7-0.)

File #24-561

3. A communication recommending donation of a City-owned 1995 Chevrolet Caprice to Roanoke Emergency Medical Services, Inc.

Adopted Resolution No. 36059-091602. (7-0.)

File #68-354

4. A communication recommending acceptance of a One Time Special Request Fund for Law Enforcement Agencies grant from the Commonwealth of Virginia Department of Criminal Justice Services, in the amount of \$5,000.00; and appropriation of funds in connection therewith.

Adopted Budget Ordinance No. 36060-091602 and Resolution No 36061-091602 . (7-0.)

File #5-60-236

5. A communication recommending acceptance of the bid submitted by Old Dominion Brush Co., to furnish 12 trailer mounted vacuum leaf collector units, in the amount of \$176,784.00, rejecting all other bids received by the City; and transfer of funds in connection therewith.

Adopted Budget Ordinance No. 36062-091602 and Resolution No 36063-091602. (6-1, Mayor Smith voted no.)

File #60-144-472

6. A communication recommending acceptance of the bid submitted by Lanford Brothers Co., Inc., for repairs to two City bridges, 9th Street over Norfolk Southern Railway and 5th Street over Norfolk Southern Railway, in the amount of \$116,630.00, and rejecting all other bids received by the City.

Adopted Ordinance No. 36064-091602. (7-0.)
File #102-166

7. A communication recommending the use of competitive negotiation as the method to secure vendors to operate the Rocwood Indoor Adventure Center located within the Parks and Recreation Administrative Building, 210 Reserve Avenue, S. W.

Adopted Resolution No. 36065-091602. (7-0.)
File #67

8. A communication recommending execution of a Performance Contract with Blue Ridge Behavioral Healthcare for fiscal year 2003.

Adopted Resolution No. 36066-091602. (7-0.)
File #335

9. A communication recommending execution of an agreement with the Western Virginia Foundation for the Arts and Sciences with regard to development of the Roanoke Passenger Rail Station for use by the Roanoke Valley Convention and Visitors Bureau and the O. Winston Link Museum; and appropriation of funds in connection therewith.

Adopted Budget Ordinance No. 36067-091602 and Resolution No. 36068-091602. (7-0.)
File #60-293-427-537

10. A communication recommending appropriation of funds in connection with the Fifth District Employment and Training Consortium – Workforce Investment Act and Community Development Block Grant Employment Training Program.

**Adopted Budget Ordinance No. 36069-091602. (7-0.)
File #60-236-246**

11. A joint communication from the City Manager and the Director of Finance with regard to issuance of up to \$22 million in refunding bonds by Davenport and Company, L.L.C.

**Adopted Resolution No 36070-091602. (7-0.)
File #53**

7. REPORTS OF COMMITTEES:

- a. A communication from the Roanoke City School Board requesting appropriation of funds to various school accounts; and a report of the Director of Finance recommending that Council concur in the request. Richard L. Kelley, Assistant Superintendent for Operations, Spokesperson.

**Adopted Budget Ordinance No. 36071-091602. (7-0.)
File #60-467**

8. UNFINISHED BUSINESS: NONE.

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.

**Council Members Bestpitch, Cutler and Wyatt commended Mr. Carder on the success of the Blue Ridge Blues and Jazz Festival which was held in the City of Roanoke on September 13-15, 2002.
File #317**

**Vice-Mayor Harris requested that the City Manager re-communicate the City's concerns to the Commonwealth Transportation Board with regard to the routing of I-73, specifically through the southeast section of the City of Roanoke. He further requested that the City Manager seek a response from Onzlee Ware, the City's local representative to the Commonwealth Transportation Board, in regard to the routing of I-73 through southeast Roanoke.
File #77-316**

**Having participated in a police ride-along, Council Member Dowe commended the City of Roanoke Police Department and Fire Department for the services they perform for the citizens of the City of Roanoke.
File #5-70-80**

**Council Member Carder expressed appreciation to the Special Events Committee and to approximately 240 volunteers who worked to make the Blue Ridge Blues and Jazz Festival a success.
File #80-110-317**

**Council Member Carder displayed a sample of the "Roanoke Shining Star" award which was designed to recognize the good deeds of citizens of the City of Roanoke throughout the year. He advised that citizens may obtain a nomination form from the City Clerk's Office or via the City's Webpage on the Internet.
File #80**

**Council Member Cutler commended a team of City employees, under the leadership of Christopher L. Slone, Public Information Officer, who were responsible for the award-winning City of Roanoke Magazine, Roanoke Citizen.
File #80**

Council Member Cutler called attention to a water conservation workshop which will be held on Monday, September 23, 2002, at 7:00 p.m., in the Auditorium of the main branch of the City of Roanoke Public Library. He also called attention to a workshop to be sponsored by the National Park Service with regard to operation of the Blue Ridge Parkway on Tuesday, September 24, 2002, from 3:30 p.m. to 7:00 p.m., at the Vinton War Memorial.

File #67-468

- b. Vacancies on various authorities, boards, commissions and committees appointed by Council.

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

Mr. Robert Gravely, 617 Hanover Avenue, N. W., addressed Council with regard to the water shortage, the City's economic stability, the process for collection of loose leaves on City streets, overall betterment of the community, and the need to increase the City's tax base through real estate taxes. He questioned the need for passenger rail service, as reported earlier in the meeting, when citizens cannot afford to pay for a taxicab, and advised that City government does not listen to the needs of the average citizen.

File #66-144-162-175-178-200-316-450-468-537

12. CITY MANAGER COMMENTS:

The City Manager expressed appreciation to City staff for the success of the award winning, Roanoke Citizen magazine, the current edition of which celebrates diversity in the Roanoke community.

The City Manager commended the Roanoke community on the number of events that were held on September 11, 2002, that demonstrated the need to not only remember the September 11, 2001 tragedy, but also to recommit to the community a love of God and a love of country.

File #80-104

The City Manager called attention to a press conference which was held on Friday, September 13, 2002, in which it was announced that the City of Roanoke is the only city in the United States that has an accredited jail, police department and fire department.

File #5-70-80-104

The City Manager encouraged citizens to participate in a water conservation workshop to be held on September 23, 2002, at 7:00 p.m., at the City's Main Library. She expressed appreciation to Roanoke's citizens for their continuing cooperation and support during the water crisis, and asked that citizens continue to be good conservators of water.

File #80-104-468

The meeting was declared in recess for one closed session.

THE COUNCIL MEETING/CLOSED SESSION WERE DECLARED IN RECESS AT 5:30 P.M., FOR A JOINT MEETING OF CITY COUNCIL AND THE ROANOKE CITY SCHOOL BOARD, IN THE EMERGENCY OPERATIONS CENTER CONFERENCE ROOM, ROOM 159, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., CITY OF ROANOKE.



***CITY COUNCIL/ROANOKE CITY SCHOOL BOARD
JOINT MEETING***

***SEPTEMBER 16, 2002
5:00 P.M.***

***EMERGENCY OPERATIONS CENTER
CONFERENCE ROOM***

AGENDA

1. Call to Order.
2. Roll Call by the Roanoke City School Board.
3. Welcome. Mayor Ralph K. Smith.
4. Invocation/Dinner.
5. Progress and work to be done by Roanoke City Schools. Dr. E. Wayne Harris, Superintendent.
6. Coordination with regard to planning for parks and greenways/using schools for fitness centers.
7. Per cent for the Arts Program.

8. Neighborhood schools.
9. Co-use of and opportunities for school facilities.
10. Support for teachers.
11. Compliance with personnel policies and procedures.
12. Remarks by City Council Members and the City Manager.
13. Remarks by School Board Trustees and the Superintendent of Schools.
14. Other Business.

THE CITY COUNCIL MEETING WAS DECLARED IN RECESS AT 6:50 P.M., TO BE RECONVENED AT 7:00 P.M., IN THE CITY COUNCIL CHAMBER, FOURTH FLOOR, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., CITY OF ROANOKE.



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***SEPTEMBER 16, 2002
7:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

Call to Order -- Roll Call. (Council Member Wyatt was absent.)

The Invocation was delivered by Council Member William D. Bestpitch.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

Welcome. Mayor Smith.

NOTICE:

Tonight's meeting will be televised by RVTV Channel 3 to be replayed on Thursday, September 19, 2002, at 7:00 p.m., and Saturday, September 21, 2002, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

A. PUBLIC HEARINGS:

1. Public hearing to consider a proposal to adjust the aggregate amount of the City of Roanoke annual budget, in connection with appropriation of funds for its Capital Maintenance and Equipment Replacement Program (CMERP). Darlene L. Burcham, City Manager.

**Adopted Budget Ordinance Nos. 36072-091602 and 36073-091602.
(7-0.)
File #60-270**

B. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

1. Request to present information on specific benefits on park bonds for southwest Virginia. Mike Woods, Regional Political Deputy, Department of Conservation and Recreation, Spokesperson.

**Adopted Resolution Nos. 36074-091602 and 36075-091602. (5-0, Mayor Smith voted present.)
File #53-67-414**

**Ms. Eleanor Casey, 1520 Shamrock Street, N. W., expressed concern with regard to a “modular” home which was moved to the corner of Shamrock Street and Westside Boulevard, N. W. She expressed further concern that citizens of the area were not notified of the proposed action, the home does not fit in with the overall character of the neighborhood and is in poor condition, devaluation of other properties in the neighborhood, the house is not horizontally in line with other houses on the street, and whether or not the house will be hooked up to the City’s sanitary sewer system. Also expressing concern were Ms. Gloria Dowe, 3702 High Acres Road, N. W., and Ms. Gwendolyn Dudley, 1605 Lancaster Drive, N. W.
File #66**

The City Manager advised that the structure is not a “modular” home, but a home that was moved from another location to the corner of Shamrock Street and Westside Boulevard. She noted that the necessary permits have been applied for and issued by the City and she was not aware of any type of intervention that the City of Roanoke could offer on behalf of the neighborhood.

Mr. and Mrs. David Renger, 1157 Kerns Avenue, S. W., addressed Council with regard to an asthma condition of their six year old son, which is aggravated by smoke from chimineas in the neighborhood; whereupon, they requested that the City of Roanoke bar the use chimineas.

File #66

The matter was referred to the City Manager and the City Attorney for investigation and report to Council. It was suggested that other localities be surveyed in regard to regulations, if any, governing the use of chimineas.

File #66

The meeting was declared in recess for continuation of one closed session.

CERTIFICATION OF CLOSED SESSION. (6-0)

The following persons were reappointed/appointed to Council-Appointed Committees:

**Architectural Review Board
File #15-249**

**Kyle G. Ray and Robert B.
M a n e t t a f o r t e r m s
commencing October 2, 2002,
and ending October 1, 2006.**

**Board of Trustees, City of Roanoke
Pension Plan
File #15-429**

**Efren T. Gonzalez for a term
ending June 30, 2006.
(Roanoke Regional Airport
Commission representative)**

**Roanoke Valley-Alleghany
Regional Commission
File #15-326**

**R. Brian Townsend to fill the
unexpired term of Evelyn S.
Lander, resigned, ending
June 30, 2003.**

**City of Roanoke Transportation
Safety Commission
File #15-20**

**E. W. Tibbs to fill the
unexpired term of Dawn T.
Erdman, ending October 31,
2004.**

**New Construction Code,
Board of Appeals
File #15-32**

**Barry W. Baird for a term
ending September 30, 2007.**

**Roanoke Civic Center Commission
File #15-192**

**Mark E. Feldmann and
Paul P. Anderson for terms
commencing October 1, 2002,
and ending
September 30, 2005.**

**(The City residency requirement was waived for Efren T. Gonzalez and
E. W. Tibbs.)
File #20-429**

**THE MEETING WAS DECLARED IN RECESS TO BE RECONVENED
ON WEDNESDAY, SEPTEMBER 18, 2002, AT 7:00 P.M., IN THE
REGENCY ROOM OF THE HOTEL ROANOKE, FOR A DINNER
MEETING WITH IAN LOCKWOOD, SENIOR TRANSPORTATION
ENGINEER, GLATTING JACKSON KERCHER ANGLIN LOPEZ
RINEHART, INC.**